

**District Court Fee and Assessments Table  
March 2013**

<b>CIVIL FEES</b>					
<b>Assessment</b>	<b>Authority (MCL)</b>	<b>Required or Discretionary</b>	<b>Amount Requirements</b>	<b>Waivable<sup>1</sup></b>	<b>Distribution</b>
General civil filing fees	600.8371(2) 600.8371(3) 600.8371(4) 600.8371(5) 600.8371(8)	Required	\$25 for claim up to \$600	Yes <sup>2</sup>	\$11 Funding unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750 up to \$10,000		\$23 Funding unit \$42 Civil Filing Fee Fund
			\$150 for claim over \$10,000		\$31 Funding unit \$119 Civil Filing Fee Fund
			\$65 for claim other than for a money judgment		\$23 Funding unit \$42 Civil Filing Fee Fund
Small claims filing fees	600.8420(1)(a) 600.8420(1)(b) 600.8420(1)(c)	Required	\$25 for claim up to \$600	Yes <sup>2</sup>	\$11 Funding unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750		\$23 Funding unit \$42 Civil Filing Fee Fund
Summary proceedings filing fees	600.5756(1) 600.5756(2) 600.8371	Required	\$45 for claim for possession of premises	Yes <sup>2</sup>	\$17 Funding unit \$28 Civil Filing Fee Fund
			Supplemental filing fee for money judgment:		
			\$25 for claim up to \$600		\$11 Funding unit \$14 Civil Filing Fee Fund
			\$45 for claim over \$600 up to \$1,750		\$17 Funding unit \$28 Civil Filing Fee Fund
			\$65 for claim over \$1,750 up to \$10,000		\$23 Funding unit \$42 Civil Filing Fee Fund
			\$150 for claim over \$10,000		\$31 Funding unit \$119 Civil Filing Fee Fund
Motion fee	600.8371(10)	Required	\$20	Yes <sup>2</sup>	\$10 Funding unit \$10 State Court Fund
Jury demand fee	600.8371(9)	Required	\$50	Yes <sup>2</sup>	\$40 Funding unit \$10 Juror Comp. Fund

<sup>1</sup> Waivable for civil fees means waived or suspended pursuant to statute or court rule. For criminal and traffic cases, waivable means dischargeable or jail or community service may be served in lieu of payment.

<sup>2</sup> Fees can be waived or suspended pursuant to MCL 600.8371(6) or MCR 2.002.

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Writ of garnishment, attachment, execution, or judgment debtor discovery subpoena	600.5757 600.8420(2)	Required	\$15	Yes <sup>2</sup>	Funding unit
Appeals from district court	600.6536	Required	\$25	Yes <sup>2</sup>	Funding unit
Marriage fee	600.8316(1)	Required	\$10	Yes <sup>3</sup>	Funding unit of court in which judge or magistrate performing marriage serves

<sup>3</sup> Fee can be waived pursuant to MCL 600.8316(2).

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Civil fines <sup>4</sup>	257.907(2) 257.907(3) 600.8727(2) 600.8827(2) Underlying statute of offense	Either – as reflected in statute  Discretionary <b>(D)</b> or Required <b>(R)</b>	\$100 max <b>(D)</b> \$250 max for commercial motor vehicle violations <b>(D)</b> \$100 min, \$500 max for failing to stop for school bus <b>(R)</b> \$100 min, \$250 max for disregarding handicap sign <b>(R)</b> \$10 max for young child restraint violations or violation of MCL 257.676a(3) <b>(D)</b> \$50 max for no proof of insurance <b>(D)</b> \$100 for first offense, \$200 for second or subsequent offense for texting (MCL 257.602b(3)) <b>(R)</b> \$15 for violation of MCL 257.240 <b>(R)</b> \$50 for violation of MCL 257.252a(1) <b>(R)</b> \$250 min, \$500 max, in addition to any fine imposed under MCL 257.724 or 257.725, for violation of MCL 257.716(4)(d) <b>(R)</b> \$2,500 min, \$2,750 max for first violation, \$5,000 min, \$5,500 max for second or subsequent violation of MCL 257.319f(1) <b>(R)</b> \$10,000 max for violation of MCL 257.319g(1)(a) <b>(D)</b> \$2,750 min, \$25,000 max for violation of MCL 257.319g(1)(g) <b>(R)</b> Fine + Cost = \$25 for seatbelt violations <b>(R)</b> Fine doubled if violation occurs in work zone, school zone, school bus zone, or emergency scene (MCL 257.601b(1)) <b>(R)</b> Minimum fines for speeding on limited access freeway: (MCL 257.629c(1)) <b>(R)</b> \$10 for 1-5 mph over \$20 for 6-10 mph over \$30 for 11-15 mph over \$40 for 16-25 mph over \$50 for 26+ mph over At-fault accident: Increase by \$25, but max fine \$100 <b>(R)</b>	Yes  Traffic civil infraction fines may not be waived unless costs are waived MCL 257.907(4)	Statute violation – county treasurer for libraries  Ordinance violation – non-commercial vehicle – 1/3 political sub. whose ordinance was violated; 2/3 funding unit  Ordinance violation – commercial vehicle – 30% county treasurer for libraries; 70% political sub. in which citation was issued

<sup>4</sup> Amount may not be increased after trial when predetermined by published schedule. *People v Courts*, 401 Mich 57 (1977) and *People v Bogedain*, 185 Mich App 349 (1990).

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Penal fines <sup>4</sup>	Underlying statute of offense 750.504 769.1k(1)(b)(i) 769.3 771.3(2)(b)	Either – only when expressly authorized <sup>5</sup> and/or as reflected in underlying statute of offense	As reflected in underlying statute of offense	No if required, otherwise yes	Statute violation – county treasurer for libraries  Ordinance violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit
Costs	257.907(4) 600.8375 600.8727(3) 600.8827(3) 769.1k(1)(b)(ii) 769.3 771.3(2)(c)	Discretionary	Under MCL 769.1k, a reasonable amount of costs, with an established factual basis for the amount assessed. <sup>6</sup> \$100 maximum for traffic civil infractions \$500 maximum for state and municipal civil infractions Cost + Fine = \$25 for seatbelt violations	Yes	Statute violation – funding unit  Ordinance violation – 1/3 political sub. whose ordinance was violated; 2/3 funding unit
Attorney fees	MCR 6.005(C) 769.1k(1)(b)(iii)	Discretionary		Yes	Funding unit
Justice system assessment	257.907(14) 600.8727(4) 600.8827(4)	Required	\$40 – traffic civil infraction, except parking or when fines and costs are \$10 or less \$10 – municipal and state civil infractions	No	Justice System Fund
Minimum state cost	769.1j(1) 769.1k(1)(a) 771.3(1)(g)	Required if two other assessments are ordered	Minimum amounts assessed per count, based upon conviction: \$50 – misdemeanor \$68 – felony	No <sup>7</sup>	Justice System Fund
Crime victim's rights assessment	771.3(1)(f) 780.905	Required for felony or misdemeanor convictions	One assessment per case, based upon conviction: \$75 – misdemeanor \$130 – felony	No	90% Crime Victim's Rights Fund 10% Funding unit

<sup>5</sup> *People v Watts*, 133 Mich App 80, 84 (1984) and *People v Krieger*, 202 Mich App 245, 247 (1993).

<sup>6</sup> The court may impose a reasonable amount of costs under MCL 769.1k(1)(b)(ii) without the necessity of individually calculating the costs involved in a particular case, but there must be an established factual basis for the amount assessed. There must be a reasonable relationship, which is not the same as an exact relationship, between the costs imposed and the actual costs incurred by the trial court. MCL 769.1k does not preclude the consideration of the court's "overhead costs" in determining the costs figure. *People v Sanders*, Docket Number 303051, XXX Mich App XX (2012).

<sup>7</sup> A probationer not in willful default of payment may petition the court for remission of any unpaid portion of minimum state cost, pursuant to MCL 771.3(6)(b).

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Restitution	769.1a(2) 769.3 771.3(1)(e) 780.826(2)	Required	Required to order <u>each</u> defendant to make full restitution. Since <u>each</u> defendant is required to pay full restitution but should not pay more than the full amount of restitution, the defendants are jointly and severally liable for the entire restitution amount.	No	Victim or Crime Victim's Rights Fund if victim cannot be located or refuses to claim restitution <sup>8</sup>
Reimbursement	769.1f 769.1k(1)(b)(v)	Discretionary for specific offenses	Reimbursement limited to expenses specifically authorized by MCL 769.1f	No	Unit(s) of government named in the order
Driver license clearance fee	257.321a(5)(b) 257.321a(8)(b) 257.321a(9)(b)	Required	\$45	No <sup>9</sup>	\$15 Secretary of State \$15 Juror Comp. Fund \$15 Funding unit
20% late penalty	600.4803	Required	20% of amount owed, excluding restitution; assessed 56 days after due date	Yes	Funding unit
Costs to compel appearance	257.729 600.8735 600.8835 769.1k(2)	Discretionary		Yes	Funding unit
Judgment fee	324.1609	Required	\$10	No	State game and fish protection account
Forfeitures for value of game	324.40119	Required	\$1,500 per animal – bear, elk, hawk, moose, or any endangered animal \$1,000 per animal – deer, owl, and wild turkey \$100 minimum, \$500 maximum per animal – other game not listed above \$100 per animal – other protected animals	Yes <sup>10</sup>	State game and fish protection account
Forfeitures for value of game fish	324.48740	Required	\$10 per pound – each game fish other than sturgeon weighing 1 pound or more \$10 per fish – each game fish other than sturgeon weighing less than 1 pound \$1,500 per fish – sturgeon \$5 per pound – each nongame fish	No	State game and fish protection account

<sup>8</sup> Restitution disbursements to victims should be made at least once a month. If a person entitled to receive restitution that the court has collected cannot be located, refuses to claim it from the court within two years of being eligible to do so, or refuses to accept the restitution, the court must remit the unclaimed amount to the Crime Victim's Rights Fund on its monthly transmittal to the state.

<sup>9</sup> Except for court error or if person found not responsible for all parking violations causing suspension.

<sup>10</sup> Forfeitures may be revoked, in whole or in part, pursuant to MCL 324.40119(5).

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No proof of insurance fee	257.328(3)(c)	Discretionary	\$25 maximum	Yes	Funding unit
NSF check costs	MCR 8.106(E)	Discretionary	Reasonable expenses incurred	Yes	Funding unit

**NOTE:** Courts can only assess what is authorized by statute. There is no authority for a court to impose any costs on a criminal defendant if he or she is not convicted of a crime unless otherwise provided by statute.